

**Minutes of the Chemical Transportation
Advisory Committee Meeting
April 17, 2003**

A meeting of the Chemical Transportation Advisory Committee (CTAC) was held on Thursday, April 17, 2003, at U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC. This meeting was announced in the Federal Register, volume 68, number 61, on Monday, March 31, 2003.

1. CALL TO ORDER

Mr. Paul Book, of American Commercial Barge Line, LLC (ACBL), and Chairman of CTAC, called the meeting to order at 9:00 a.m.

2. OPENING REMARKS

RADM Kevin Eldridge, Assistant Commandant for Governmental and Public Affairs, briefly appeared before CTAC to discuss the Coast Guard's newly improved Merchant Mariner Document (MMD) process. He explained that since September 11, 2001, the Coast Guard has looked for new ways to improve port, waterway, and maritime security. He stated that one way to improve our security posture is to strengthen the merchant mariner credentialing system. He added that the new MMD screening process is more robust than the old and includes a review of Social Security records, National Drivers Registry, fingerprint databases, INS records, public records, and Violent Gangs and Terrorist Organization records.

RADM Eldridge explained that in the recent past, the Coast Guard's 17 Regional Exam Centers (REC) have experienced significant backlogs. This new MMD process has alleviated those backlogs. However, he pointed out that the new screening process could potentially cause some delays in the future since any questionable information that surfaces about an individual applicant may take time to resolve.

RADM Eldridge mentioned that the Coast Guard has not decided on a timeline for reissuing new documents. He explained that new tamper-resistant, counterfeit-proof MMD cards have been developed and are currently being issued. However, it has not yet been decided if the new cards will be reissued in a shorter period of time than the current 5-year renewal requirement.

Enclosure (1) provides additional information on the MMD process.

CAPT Lee Kincaid, private consultant, asked RADM Eldridge if and when the inland mariner would be subject to credentialing requirements. RADM Paul Pluta, Assistant Commandant for Marine Safety, Security and Environmental Protection, responded by stating that there is no initiative in place at this time to document the inland mariner. He thought that the issue would be explored in the near future to see if requiring inland mariners to become credentialed would actually improve security on our inland rivers.

RADM Pluta welcomed everyone to the meeting and thanked RADM Eldridge for his time. As CTAC's Sponsor, RADM Pluta noted the significance of CTAC and expressed his sincere appreciation for CTAC's contribution to the U.S. in the way of improving safety, security, and environmental protection. RADM Pluta noted that this meeting will be his last as CTAC's Sponsor and it will be CDR James Michalowski's last as CTAC's Executive Director. He announced that CDR Robert Hennessey, of the Coast Guard's Office of Information Resources, would become CTAC's new Executive Director shortly.

RADM Pluta recognized a few of CTAC's recent accomplishments. He praised CTAC's Prevention Through People (PTP) Marine Operations Risk Guide and explained that Mr. Joe Myers, of the Coast Guard's Office of Human Element and Ship Design, presented and encouraged its use at the International Maritime Officers and the Senior Marine Inspector Courses in Yorktown, VA. He also praised Mr. Parminder Sandhu for presenting CTAC's Assessment Guidelines for Hazardous Substance Response Team Capabilities for the Marine Environment to an operational working group established by FEMA's Office of Preparedness. This working group exists as part of the President's National Strategy for Homeland Security and Mr. Sandhu's contributions have been significant.

RADM Pluta noted that the newly created CTAC Hazardous Cargo Transportation Security Subcommittee has become very active since its inception in October 2002. He expressed gratitude for the work that is being done by CTAC to provide the Coast Guard with such valuable advice in the security arena.

RADM Pluta announced that the Coast Guard officially moved into the Department of Homeland Security (DHS) on March 1, 2003. He explained that the Coast Guard has been heavily focused on addressing the security of our nation's ports and infrastructure both internationally through IMO and domestically through the Maritime Transportation Security Act (MTSA). He mentioned that our maritime security standards would apply to over 10,000 vessels, 7,000 facilities, 4,000 offshore facilities and 360 ports. He explained that it is a major challenge for the Coast Guard to develop a comprehensive set of regulations that properly address each of those communities. To this end, he stated that the Coast Guard has held seven public meetings during which over 2,100 industry, federal, state, and local government representatives provided valuable input. He thanked CTAC for their cooperation in helping the Coast Guard address these issues and he urged CTAC to continue providing their advice.

CAPT Kincaid asked RADM Pluta if the Coast Guard would remain in tact now that it part of DHS. RADM Pluta responded by stating that the law that established DHS mandates that the Coast Guard remain in tact. Therefore, segregating the Coast Guard is not an option.

3. PRESENTATION OF AWARDS

RADM Pluta explained that he felt privileged to present awards to two of CTAC's former members. Mr. Parminder Sandhu received the Meritorious Public Service Award and Mr. Paul Lambert received the Certificate of Merit.

4. CHAIRMAN'S REMARKS

Mr. Book began his remarks by asking RADM Pluta to accept CTAC's sincere appreciation for the efforts and the sacrifices that have been made by the U.S. Military since September 11, 2001. Mr. Book then thanked RADM Pluta and CDR Michalowski for their support of CTAC and presented them with departing gifts.

Mr. Book recalled that as a result of the last CTAC Meeting, he drafted and sent a letter to RADM Pluta regarding concerns over CTAC products that have yet to be fully utilized. He stated that he did receive a response from the Coast Guard and attempted to send it to all members electronically. The Coast Guard response was made available to all CTAC members at this meeting.

After reviewing the meeting agenda for the day, Mr. Book encouraged all members to enjoy the meeting and to take away as much as possible from the scheduled presentations.

5. EXECUTIVE DIRECTOR'S REMARKS

CDR Michalowski, CTAC's Executive Director, began his remarks by thanking everyone for their attendance at this meeting and he thanked RADM Pluta for his time. He explained that he recently attended a CTAC Hazardous Cargo Transportation Security Subcommittee Meeting at ACBL in Jeffersonville, IN. He expressed his sincere appreciation to Mr. Book for the continued support of ACBL, which he felt was clearly indicative of their long-term commitment to safety.

CDR Michalowski recalled from CTAC's last meeting that concerns were expressed over CTAC products that have not yet been fully utilized. He echoed RADM Pluta's comments about the efforts made to implement the PTP Marine Operations Risk Guide at the Coast Guard's Training Center in Yorktown, VA, and the use of CTAC's Assessment Guidelines for Hazardous Substance Response Team Capabilities for the Marine Environment in a national forum. CDR Michalowski reminded the members that CTAC's mission is to advise the Commandant on matters concerning the marine transportation of hazardous materials in bulk and stated that CTAC has far exceeded expectations in terms of their willingness to take on difficult tasks. He noted that Mr. Jaideep Sirkar, of the Coast Guard's Office of Standards Evaluation and Development, would attempt to provide members with a better insight into the "big picture" of the Coast Guard's regulatory process during his afternoon presentation.

CDR Michalowski announced that he has received orders as Commanding Officer of MSO Huntington, WV. He stated that his relief, CDR Bob Hennessey, who was unable to attend this meeting due to a prior commitment, is truly excited about working with CTAC. He has a degree in chemistry and a great deal of MSO field experience.

In closing, CDR Michalowski stated that it was an honor and a privilege for him to serve as the CTAC Executive Director during the past two years and he hopes to continue participating in CTAC initiatives while at MSO Huntington.

6. INTRODUCTION OF NEW G-MSO CHIEF

CDR Michalowski introduced CAPT (select) David Scott as the next Chief of the Coast Guard's Office of Operating and Environmental Standards. CAPT (select) Scott is currently Chief of the Coast Guard's Port and Cargo Security Division. CAPT (select) Scott stated that he is looking forward to relieving CAPT (retired) Michael Brown. He recognized LTC Dan Encinas and LCDR Rich Teubner, members of his current staff, as being instrumental members of CTAC's Hazardous Cargo Transportation Security Subcommittee and indicated that he has been following the progress of the Subcommittee through them.

7. INTRODUCTION OF COMMITTEE MEMBERS AND ATTENDEES

Mr. Book asked all Committee members and attendees to introduce themselves and give their affiliations. Enclosure (2) contains a list of all attendees.

8. SWEARING IN OF NEW COMMITTEE MEMBERS

CDR Michalowski led the swearing in of the following new and reappointed CTAC members: Mr. Elliot Kleinman, Mr. Lawrence Russell, Dr. Manik Sardesai, Ms. Chrissy Snyder, Mr. Paul Book, Ms. Alice Johnson, and Ms. Amy Spencer.

9. SUBCOMMITTEE AND WORKGROUP REPORTS

A. Hazardous Cargo Transportation Security Subcommittee

Ms. Alice Johnson, of PPG Industries, began her presentation by thanking all of the Subcommittee members for their time and effort. She explained that the Subcommittee has received and completed several assignments, since its inception in October 2002, that are in support of Coast Guard security initiatives.

Ms. Johnson reviewed the schedule and format of Subcommittee meetings that have been held to date. Three Subcommittee meetings and two workgroup meetings were held since December 2002. She explained that a “parking lot” concept was effectively used to capture good ideas or issues that were not part of the immediate discussion, but required further attention. Homework was also assigned to expedite preparation for each meeting. She also explained that because of the nature of their work, close attention was paid to identifying those in attendance and filtering information as appropriate for Sensitive Security Information (SSI).

Ms. Johnson identified many of the Subcommittee deliverables to date. These deliverables include:

- A critical review of the list of Certain Dangerous Cargoes (CDC) as it appeared in the Notification of Arrival into U.S. Ports Federal Register Notice
- The assignment of a liaison to the Inland Rivers Port Security Committee
- The development of incident notification criteria for use by the National Response Center (NRC)
- An overview of the MTSA 40 questions
- A review of Coast Guard security Navigation and Vessel Inspection Circulars (NVIC)
- A review of fleeting areas that may be added to the Facility Interim Final Rule
- An investigation of different means/methods to track vessels
- A study of MARSEC levels and the methods by which they are communicated
- The preparation of a matrix of training competencies for Company Security Officers (CSO), Vessel Security Officers (VSO), Ship Security Officers (SSO), and Facility Security Officers (FSO).

She stated that the Subcommittee has heard several very good presentations on topics such as:

- Geo-spatial (GIS) based system for tracking activity on western rivers
- Red Flag Barge
- Secure Port Center of Excellence
- American Waterways Operators (AWO) Model Security Plan Overview
- American Chemical Council (ACC) Responsible Care Overview
- Chlorine Institute
- U.S. Army Corps of Engineers (USACOE) Risk Assessment Methodology
- Sizable Chemical Releases in Ports (SCRIP) Process
- Notice of Arrival
- Intelligent Road/Rail Information Server (IRRIS) Tracking
- D8 Prototype Maritime Homeland Security (MHS) Pamphlet
- Texas Coastal Region Advisory System (FBI) & Harris County (TX) LEPC
- ISPS / IMO Update
- U.S. Merchant Marine Academy Conference on Maritime Standards Update
- Increasing and Harmonizing Maritime Security from the Security Officer to the Dock Worker

She explained that there is still much work to be done. She announced that the Subcommittee is scheduled to meet on July 15-16, 2003, from 8:00 am to 4:00 pm at ACBL in Jeffersonville, IN. She plans to discuss vessel tracking, “Good Samaritan” issues, communications and publications guidance documents, and Declaration of Security (DOS) issues. She is interested in creating outreach PowerPoint presentations for Coast Guard MSO’s and the public to offer advice on how to best write quality vessel and facility security plans.

B. Charter Revision Workgroup

Ms. Deidre Tate, of Syngenta Crop Protection, explained that her workgroup reviewed the CTAC Charter, which must be renewed every two years as per the Federal Advisory Committee Act (FACA). She stated that much of their work was conducted through e-mail and conference calls, but they did hold one meeting on April 16, 2003. She made it clear that her objectives were two fold. First, she wanted to make sure that the CTAC Charter was up to date. Second, she wanted to make sure that the Charter didn’t contain any language that might hinder outreach efforts within CTAC.

The Workgroup recommended the following revisions to the CTAC Charter:

- Revise language to reflect the Coast Guard’s recent move from the Department of Transportation (DOT) to the DHS.
- Update the Committee Sponsor title.
- Add the acronym (FACA) to the PURPOSE section for clarification.
- Replace “calendar year” with “fiscal year” in the REPORTS section.
- Add the following underlined language to the SCOPE AND OBJECTIVES section: “The Committee will advise, consult with, and make recommendations including industry outreach reflecting its independent judgment to the Commandant on matters concerning the safe and secure marine transport of hazardous materials in bulk.”

Ms. Tate also mentioned that CTAC Annual Reports, prepared by the Executive Director, are located at <http://www.fido.gov/facadatabase/default.asp> and encouraged all members to review them.

Mr. Book asked CTAC Members to indicate by show of hands if they are in favor of the recommendations. All members agreed with the recommendations made by the workgroup.

CDR Michalowski pointed out that the proposed language for the SCOPE AND OBJECTIVES section is extremely important since it explicitly brings security into CTAC’s scope. He thanked Ms. Tate and all those involved with the Charter Revision Workgroup for their recommendations. The CTAC Charter is posted at <http://www.uscg.mil/hq/g-m/advisory/ctac/ctac.htm>.

C. Outreach Workgroup

Mr. Ron Stokes, of ExxonMobil Chemical Company, began by explaining that the purpose of the CTAC Outreach Workgroup is to establish a process whereby the results of CTAC task projects are communicated, other than by regulation, to the marine transport community and others. He stated that much of the important work that CTAC produces will not become part of future regulations and must be distributed to a target audience in creative ways.

Mr. Stokes defined the word “outreach” to mean an established element of all task projects whereby CTAC or an element thereof (i.e. subcommittee) determines the means of delivery, the target audience and the resources to communicate the results of a task project. He created a CTAC Subcommittee Outreach Recommendation Worksheet that contains suggestions for means of delivery and target audiences. These suggestions are not all inclusive. Mr. Stokes encouraged

members to add their own ideas to the worksheet. Enclosure (3) contains a draft copy of this worksheet.

Mr. Stokes suggested that the Outreach Worksheet should be submitted with each final Subcommittee Report to CTAC. He explained that after CTAC members vote on the final Subcommittee Report, they should then discuss and vote on the outreach proposals that were submitted in the attached Outreach Worksheet.

Based on CTAC's input, Mr. Stokes hopes to present a final Outreach Worksheet at the Fall 2003 CTAC Meeting.

Ms. Johnson added that the Outreach Worksheet could be used before a Subcommittee meets for the first time to ensure that all potentially interested parties are made aware of the new Subcommittee and invited to participate.

Ms. Tate suggested that CTAC Members should inform Mr. Stokes of all organizations that they are affiliated with so that Subcommittee Chairs can be made aware of all potential target audiences are currently part of CTAC.

Mr. Book asked CTAC Members to indicate by show of hands if they are in favor of the outreach proposals. All members were in favor of moving ahead with the outreach proposals.

10. OTHER BUSINESS

A. American Security Council Security Initiatives

Ms. Dorothy Kellogg, Plant Operations Team Leader for ACC, began her presentation by thanking CTAC for inviting her to talk about some of the important security measures and initiatives that her industry has undertaken since September 11, 2001. She began by stating that shortly after September 11, 2001, ACC and the American Plastics Council issued the following statement:

Our Plant and Products Cannot – and Will Not – be Used as Weapons to Harm Our Employees,
Our Communities, or Anyone Else

We Will Do What It Takes
We Will Not Wait to Act

Ms. Kellogg stated that immediately following the events of September 11, 2001, ACC served as an instrumental partner in the development and promulgation of Site Security Guidelines for the U.S. Chemical Industry and Transportation Security Guidelines for the U.S. Chemical Industry. She explained that although these documents were of great quality, they were conceived prior to September 11, 2001, and therefore, were a reflection of good industry practices prior to September 11, 2001. ACC realized that more had to be done. So, in December 2001, for the first time in 10 years, ACC's Responsible Care Program was updated to address security concerns. ACC also helped develop and provide tools with industry and governmental partners to assist chemical companies and facilities in their efforts to protect their employees and neighbors.

Ms. Kellogg stated that the ACC Board approved the new Responsible Care Security Code in June 2002. She explained that there are 13 elements to the code and that her presentation would focus on a few of them that outline the approach that her facilities are taking. She stated that all of the elements fall into the quality cycle: Plan → Act → Check → Improve.

Ms. Kellogg explained that ACC membership consists of approximately 2,000 facilities across the U.S. Thus, as part of the “Plan” phase, ACC prioritized their facilities into one of four tiers with Tier 1 facilities being first to receive security assessments. ACC worked with the American Center for Chemical Process Safety (CCPS), of the American Institute of Chemical Engineers (AIChE), to develop a methodology for assessing security vulnerabilities at chemical plants. The CCPS methodology was designed to reflect best practices within the chemical industry. ACC instructed their members to use the CCPS methodology or one that is determined by CCPS to meet their criteria, such as the methodology that was developed by Sandia National Laboratories. Ms. Kellogg explained that the CCPS methodology or one that meets their approval addresses four categories of threat: uncontrolled product releases, product theft, product contamination, and significant economic disruption.

Ms. Kellogg stated that as part of the “Act” phase, ACC expects physical security enhancements to be the initial form of countermeasure adopted by their facilities, since they are often the easiest, or quickest, to put in place. Examples include, but are not limited to, perimeter barriers, access controls, and surveillance. As part of the “Check” phase, independent third parties are brought into selected facilities to verify all physical countermeasures.

Ms. Kellogg mentioned that the Press frequently wants to know what facilities are doing in response to security threats (elevated threat levels). She explained that the FBI has provided guidelines to ACC members to help them reduce their vulnerability. For example, it is recommended that facilities randomize operational and security actions such as shipping and receiving schedules and security guard shift changes.

Ms. Kellogg stated that cyber security guidance should be available at the end of this month. Guidance on implementing the Responsible Care Code with respect to distribution was made available in October 2002 and guidance on implementing the Responsible Care Code with respect to sites was made available in July 2002.

Ms. Kellogg explained that ACC would very much like to avoid a scenario in which organizations and agencies like DOT, DOE, EPA, DEA, USCG, etc, each have jurisdiction over different portions of one facility with regard to security regulations. Instead, ACC would like to see a requirement for one security plan per facility that is acceptable to all concerned. ACC would also like to see the USCG assert broad jurisdiction over an entire facility, not just that portion at the waterfront.

Ms. Kellogg concluded by stating that ACC supports national legislation that will establish national guidelines for security of chemical facilities, require facilities to conduct vulnerability assessments and address security deficiencies, provide oversight and inspection authority to DHS, and create a strong enforcement authority to ensure compliance.

B. Coast Guard Security Update

CDR Michael Rand, Chief of the Coast Guard’s Vessel and Facility Security Division, explained that he is currently involved in preparing regulations for the interim security rule that Congress mandated in MTTSA. He stated that he is unable to talk about details of the regulations since they have not yet been released for public comment. Instead, he indicated that he would focus on the timeline for the regulations and highlight important areas for which the Coast Guard will continue to seek public input.

He explained that under normal circumstances, DHS and the Office of Management and Budget (OMB) would each have three months to clear a proposed regulation. The interim security rule is currently progressing through an expedited clearance process. In an effort to meet the rapidly approaching deadline established by Congress, the interim rule must be published by July 1,

2003. There will be a 30-day public comment period following the publishing date. The final rule must be published by October 25, 2003, so that the regulations can take effect by November 25, 2003, as required by Congress.

In light of the time constraints that the Coast Guard is faced with, CDR Rand urged all interested parties to comment on the interim final rule as soon as possible after they are made public. He explained that if comments are submitted to the docket toward the end of the comment period, there is a chance that his office won't receive them in time to be considered. He added that it would be helpful if those submitting comments to the docket would also submit a copy of their comments directly to his office. He asked for concise feedback. If it is perceived that the Coast Guard missed the mark in a particular area of the regulations, CDR Rand would like to receive recommended solutions. He summarized a few of the key issues for which he is hoping to receive feedback from industry. These issues include:

- Armed security – should we have armed guards onboard vessels and at facilities?
- Waterborne security – what is the appropriate level of waterborne security, if any, that should be provided by the private sector for vessels and facilities?
- Facility access – how do we balance security with the well being of crewmembers?

CAPT Richard Russell, of Stolt-Nielsen Transportation Group, asked if terminal access is addressed in this interim rule. CDR Rand stated that it is addressed both in the preamble and in the body of the regulations and we look forward to hearing your comments about that issue at the appropriate time.

Mr. Book proposed that CTAC meet in Louisville, KY, on July 17, 2003, to formulate a set of CTAC comments in response to the interim rule. This date is ideal since the Hazardous Cargo Transportation Security Subcommittee is scheduled to meet on July 15-16, 2003, at ACBL.

CDR Michalowski stated that since the interim rule will not be made public until July 1, 2003, there is very little that CTAC can do to prepare comments until then. He noted that after the interim rule is made public, each member could review it, prepare their own comments, and submit them individually in addition to any comments that may be submitted by CTAC. He explained that in order for CTAC to submit comments, the members must reach a consensus. That being the case, he urged all members to review the interim rules in detail prior to the meeting. He suggested that since the Subcommittee already has a full two-day agenda, the Subcommittee could focus on those areas where there is not a consensus rather than spending a full two-day session reviewing the details of the interim rule in its entirety.

CAPT Russell suggested that Ms. Johnson identify individual members of the Subcommittee and allow them to break off into two groups at the ACBL Meeting – one for vessel security and one for facility security. He proposed that these groups spend the first day of the meeting reviewing the interim rule page by page. The second day, then, could be used to discuss any contentious issues.

Mr. Scott Bergeron, of LISCR, Liberian Registry, suggested that the CTAC vote take place via conference call if consensus cannot be reached at the July 2003 CTAC Meeting.

Mr. Book stated that more thought would need to be put into developing an efficient process for reviewing and commenting on the interim rule. He sought approval from CTAC to develop a plan with Ms. Johnson offline. CTAC Members agreed.

C. Comprehensive Hazardous Chemical Spill Response Guide

LT Heather McCafferty, of the Coast Guard's Office of Response, began her presentation by stating that her office is currently working to develop the Comprehensive Hazardous Chemical Spill Response Guide. She explained that the purpose of this project is to create a quick method for Coast Guard frontline personnel to identify all dangers to themselves and the public during the first 24 hours of a chemical, biological, or radiological incident. She acknowledged that the information needed already exists in numerous hardcopy, online, and CD-ROM references that address chemical response. She explained, however, that the Coast Guard is interested in consolidating all pertinent information into Quick Response Cards. Ideally, these cards would be available to field response units in hardcopy, via the Coast Guard Intranet, and eventually on a palm pilot.

LT McCafferty identified the following stakeholders and partners in the development of this guide: industry, USCG, EPA, NOAA, FEMA, and the Army Soldier and Biological Chemical Command (SBCCOM). She then summarized the following key project milestones:

- Feb 2003 – submitted project proposal to the Coast Guard Research and Development (R&D) Center
- March 2003 – Coast Guard R&D Center assigned a project investigator and defined the scope of the project
- April 2003 – attempting to identify any existing products that may be of use and soliciting feedback and suggestions from industry (i.e. CTAC)
- April 2003 – plan to hold a joint meeting between USCG, EPA, NOAA, and field representatives to discuss scope and product format
- May 2003 – plan to develop a contract for the development of Quick Response Cards
- Sept 2003 – plan to circulate draft Quick Response Cards to stakeholders

LT McCafferty closed by stating that this project has a very high priority. She asked for any comments or suggestions relevant to this project and made her contact information available.

D. Coast Guard Regulatory Process

Mr. Jaideep Sirkar, of the Coast Guard's Office of Standards Evaluation and Development, stated that his presentation would consist of a brief overview of the Coast Guard's Regulatory Process. He began by explaining the following rulemaking terms:

- Administrative Procedures Act (APA) – The APA tells us that we must go through a notice and comment process either by public meetings, notice of proposed rulemaking, public hearings, etc. This creates an opportunity for the public to participate. The APA establishes time frames for the public to comment. Federal Advisory Committees are exempt from many of these time frames. CTAC, for example, can submit comments on any given rulemaking after the public comment period has closed.
- Significant Rule – OMB categorizes a rule as significant if it has an annual effect on our economy in excess of \$100 million, creates serious inconsistencies with the actions planned by other agencies, or raises novel legal or policy issues.
- Non-Significant Rule – Those that are not considered to be significant.

He explained that rulemaking is deliberative. As such, it is considered by some to be slow relative to other actions that the government may take. To effectively carryout a rulemaking project, it is necessary to carry out the following steps:

- Identify an objective. Determine what new rules should be created or what existing rules need to be amended. This could be the result of mandate from Congress, input from industry, or a need identified internally from reviewing casualty reports, etc.
- Create a plan. This plan, referred to internally as a Work Plan, defines the scope of the proposed regulation and identifies projected impacts on the public and the Coast Guard. The Coast Guard performs a preliminary assessment of the regulation, considers alternatives, looks at availability of resources, identifies the appropriate personnel to develop the regulation, and ensures that the Coast Guard has the authority to develop the regulation. The plan is submitted to the Marine Safety Council (G-M, G-O, and the Coast Guard's Chief Counsel) for approval.
- Implement the plan. Once the plan is approved, the Coast Guard begins to develop the regulation. Several analyses are performed early on to ensure that the regulation would be cost effective and would not conflict with any other laws, rules, standards, etc. The Coast Guard considers the burden created by the collection of information, cost / benefit analyses, environmental assessments to ensure compliance with the National Environmental Policy Act (NEPA), and the Small Business Regulatory Enforcement and Fairness Act (SBREFA). Note that the cost / benefit analysis is not entirely relevant at this point in the process if the regulation is mandated by Congress.
- Test the Plan – The Coast Guard gives the public a chance to review and comment on the regulation before it is made final. Often times this part of the process is performed via a Notice of Proposed Rulemaking or a Notice of Policy.
- Revise the Plan – Based on the input received from the public, the Coast Guard fine tunes the regulations and releases a final rule.

There are two regulatory coordinators that oversee the development of all regulatory projects in the Coast Guard. They determine the appropriate regulatory strategies, they provide expert process advice to senior management, they liaise with the Coast Guard's Chief Counsel Office, and they provide other administrative support needed to execute regulatory plans. The regulatory plans are developed and implemented by teams. These teams are comprised of the following five different types of expertise: technical, procedural, legal, editing, and analysis.

Once per year, all regulatory projects within the Coast Guard are prioritized. This task is performed internally. However, the list of priorities is published twice per year (Spring and Fall) in the Government's Semi-annual Regulatory Agenda. This is Coast Guard's way of communicating regulatory intentions and progress to the public.

This process can take 3-4 years for a significant rulemaking and 2 years for a non-significant rulemaking from start to finish. Enclosure (4) contains a diagram illustrating the rulemaking process that is practiced within the Coast Guard.

E. Update of Coast Guard Regulatory Projects, IMO Activities, and actions taken on CTAC Recommendations

Mr. Book briefly reviewed Federal Register Notice [CGD08-03-014] titled "Regulated Navigation Area; Reporting Requirements for Barges Loaded with Certain Dangerous Cargoes, Inland Rivers, Eighth Coast Guard District. He then requested that copies be made available for distribution to meeting attendees.

CDR Michalowski stated that he attended the 8th Session of the IMO Subcommittee on Bulk Liquids and Gases (BLG 8) as the head of the U.S. Delegation. He announced that BLG 8 completed work on MARPOL Annex I, electrical amendments, personnel protection, and finalized a proposal for MARPOL Annex II. The IMO Marine Environmental Protection Committee (MEPC) is scheduled to meet during July 14-18, 2003. At this point, it is not known what MEPC will decide regarding noxious liquid substances (NLS) classification. He urged any

one having an interest in this topic to participate in the public meeting that will likely be held at Coast Guard Headquarters prior to the upcoming MEPC Meeting.

CDR Michalowski acknowledged that there are a few regulatory projects that are still outstanding that deal with vapor control, 46 CFR 151, and hazardous substances. He added that he has not forgotten about them. They will be addressed in order of priority. CDR Michalowski announced that the Coast Guard is not able to host the Bulk Finding Aid in a way that would be most useful to the public. Mr. Curtis Payne, of G-MSO-3, is currently searching for a suitable external host.


11. CLOSING

Mr. Book summarized the Committee's future intentions. He stated that the Hazardous Cargo Transportation Security Subcommittee is scheduled to meet at ACBL in Jeffersonville, IN, on July 15-16, 2003, followed by a CTAC Meeting on July 17, 2003, to address the security related interim final rule. The exact location of this CTAC Meeting is to be determined, but will be in the vicinity of Jeffersonville, IN. The Committee also decided that they would meet again at Coast Guard Headquarters during Fall 2003. The date was not finalized, but several members requested that September 1-5, 2003, and October 2-3, 2003, be avoided.

Mr. Book closed the meeting by wishing everyone a safe travel home. The meeting was then adjourned.


12. CERTIFICATION

We certify that these minutes are accurate and complete.

Signed 
J. Michalowski, CDR, USCG
Executive Director

May 22, 2003

Date

Signed 
Mr. Paul Book
Chair

May 22, 2003

Date

Encl: (1) Merchant Mariner Document Paper
(2) List of Attendees, April 17, 2003
(3) Outreach Recommendation Worksheet
(4) Coast Guard Regulatory Process